

1 expended in litigation and to permit these resources to be used to the great-  
2 est extent possible for fulfilling the essential purpose of libraries and  
3 educational institutions.

4 (b) No person who is an employee, a member of the board of directors or a  
5 trustee of any of the following is liable to prosecution for violation of this  
6 section for acts or omissions while in his or her capacity as an employee, a  
7 member of the board of directors or a trustee:

8 1. A public elementary or secondary school.

9 2. A private school, as defined in s. 115.001 (3r).

10 3. Any school offering vocational, technical or adult education that:

11 a. Is a vocational, technical and adult education district school, is a  
12 school approved by the educational approval board under s. 38.51 or is a  
13 school described in s. 38.51 (9) (f), (g) or (h); and

14 b. Is exempt from taxation under section 501 (c) (3) of the internal  
15 revenue code.

16 4. Any institution of higher education that is accredited, as described  
17 in s. 39.30 (1) (d), and is exempt from taxation under section 501 (c) (3) of  
18 the internal revenue code.

19 5. A library that receives funding from any unit of government.

20 (6) In determining whether material is obscene material under sub. (1)  
21 (c) 1 and 3, a judge or jury shall examine individual pictures in the context  
22 of the work, including written passages, in which they appear.

23 (7) The provisions of this section, including the provisions of sub. (5),  
24 are severable, as provided in s. 990.001 (11).

25 ••87b2489/1••SECTION 472zL. 945.041 (9) of the statutes is amended to  
26 read:

27 945.041 (9) ~~A written record shall be kept by every~~ Every officer and  
28 district attorney shall keep a written record of reports made by or to him or

1 ~~her under sub. (2). On the first day of January, April, July and October in~~  
2 ~~each year each district attorney shall report in writing to the governor the~~  
3 ~~name, address and office, if any, of each person who has reported to him~~  
4 ~~knowledge of gambling devices or any horse race betting under sub. (2). He~~  
5 ~~shall also set out the disposition of such reports, the status of all cases~~  
6 ~~instituted thereon and the status of cases not shown by any prior report to be~~  
7 ~~finally determined.~~

8       ••87b2844/1••SECTION 472zm. 946.13 (2) (a) of the statutes is amended to  
9 read:

10       946.13 (2) (a) Contracts in which any single public officer or employe is  
11 privately interested ~~which~~ that do not involve receipts and disbursements by  
12 the state or its political subdivision aggregating more than \$5,000 \$7,500 in  
13 any year.

14       ••87b3647/1••SECTION 472zng. 948.11 (1) (bn) of the statutes is created  
15 to read:

16       948.11 (1) (bn) "Internal revenue code" has the meaning specified in s.  
17 71.02 (2).

18       ••87b3647/1••SECTION 472znr. 948.11 (4) and (5) of the statutes are  
19 created to read:

20       948.11 (4) LIBRARIES AND EDUCATIONAL INSTITUTIONS. (a) The legislature  
21 finds that the libraries and educational institutions under par. (b) carry out  
22 the essential purpose of making available to all citizens a current, balanced  
23 collection of books, reference materials, periodicals, sound recordings and  
24 audio-visual materials that reflect the cultural diversity and pluralistic  
25 nature of American society. The legislature further finds that it is in the  
26 interest of the state to protect the financial resources of libraries and  
27 educational institutions from being expended in litigation and to permit these

1 resources to be used to the greatest extent possible for fulfilling the  
2 essential purpose of libraries and educational institutions.

3 (b) No person who is an employe, a member of the board of directors or a  
4 trustee of any of the following is liable to prosecution for violation of this  
5 section for acts or omissions while in his or her capacity as an employe, a  
6 member of the board of directors or a trustee:

7 1. A public elementary or secondary school.

8 2. A private school, as defined in s. 115.001 (3r).

9 3. Any school offering vocational, technical or adult education that:

10 a. Is a vocational, technical and adult education district school, is a  
11 school approved by the educational approval board under s. 38.51 or is a  
12 school described in s. 38.51 (9) (f), (g) or (h); and

13 b. Is exempt from taxation under section 501 (c) (3) of the internal  
14 revenue code.

15 4. Any institution of higher education that is accredited, as described  
16 in s. 39.30 (1) (d), and is exempt from taxation under section 501 (c) (3) of  
17 the internal revenue code.

18 5. A library that receives funding from any unit of government.

19 (5) SEVERABILITY. The provisions of this section, including the provi-  
20 sions of sub. (4), are severable, as provided in s. 990.001 (11).

21 ••87b3674/1••SECTION 472znt. 949.03 (1) (b) of the statutes, as affected  
22 by 1987 Wisconsin Act 90, is amended to read:

23 949.03 (1) (b) The commission or the attempt to commit any crime speci-  
24 fied in s. 346.62 (4), 346.63 (2), 940.01, 940.02, 940.03, 940.05, 940.06,  
25 940.07, 940.08, 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22,  
26 940.225 (1) to (3), 940.23, 940.24, ~~940.245~~, 940.25, 940.26 (2), 940.28,  
27 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03,  
28 943.04, 943.10, 943.20, 943.32 or 944.12.

1       ••87b2694/1••SECTION 472zp. 950.045 of the statutes, as created by 1987  
2 Wisconsin Act .... (Senate Bill 4), is amended to read:

3       950.045 (title) VICTIMS; APPLICATION FOR PAROLE OR PARDON; RELEASES.  
4 Victims of crimes have the right to provide written statements concerning  
5 parole applications under s. 57.06 (1) (e) ~~and~~, to provide written statements  
6 concerning pardon applications under s. 57.10 (2) and to receive notification  
7 of release under ss. 53.11 (5m) and 57.06 (1) (g).

8       ••87b3710/3••SECTION 472zpac. 968.27 (intro.) of the statutes is amended  
9 to read:

10       968.27 DEFINITIONS. (intro.) ~~As used in In~~ ss. 968.28 to 968.33 968.37:

11       ••87b3710/3••SECTION 472zpad. 968.27 (1) of the statutes is renumbered  
12 968.27 (17) and amended to read:

13       968.27 (17) "Wire communication" means any ~~communication~~ aural transfer  
14 made in whole or in part through the use of facilities for the transmission of  
15 communications by the aid of wire, cable, microwave or other like connection  
16 between the point of origin and the point of reception, including the use of  
17 the connection in any switching station, furnished or operated by any person  
18 engaged as a public utility in providing or operating ~~such~~ the facilities for  
19 the transmission of intrastate, interstate or foreign communications. "Wire  
20 communication" includes the electronic storage of any such aural transfer, but  
21 does not include the radio portion of a cordless telephone communication that  
22 is transmitted between the cordless telephone handset and the base unit.

23       ••87b3710/3••SECTION 472zpa. 968.27 (2) of the statutes is renumbered  
24 968.27 (12) and amended to read:

25       968.27 (12) "Oral communication" means any oral communication uttered by  
26 a person exhibiting an expectation that ~~such~~ the communication is not subject  
27 to interception under circumstances justifying ~~such~~ the expectation. "Oral  
28 communication" does not include any electronic communication.

1       ••87b3710/3••SECTION 472zpaf. 968.27 (2) of the statutes is created to  
2 read:

3       968.27 (2) "Aural transfer" means a transfer containing the human voice  
4 at any point from the point of origin to the point of reception.

5       ••87b3710/3••SECTION 472zpag. 968.27 (3) of the statutes is renumbered  
6 968.27 (9) and amended to read:

7       968.27 (9) "Intercept" means the aural or other acquisition of the con-  
8 tents of any wire, electronic or oral communication through the use of any  
9 electronic, mechanical or other device.

10       ••87b3710/3••SECTION 472zpah. 968.27 (3m) of the statutes is renumbered  
11 968.27 (7), and 968.27 (7) (intro.) and (a) 1 and 2, as renumbered, are  
12 amended to read:

13       968.27 (7) "Electronic, mechanical, or other device" means any device or  
14 apparatus which can be used to intercept a wire, electronic or oral communi-  
15 cation other than:

16       (a) 1. Furnished to the subscriber or user by a ~~communications-common~~  
17 ~~carrier~~ provider of electronic or wire communication service in the ordinary  
18 course of its business and being used by the subscriber or user in the ordi-  
19 nary course of its business or furnished by the subscriber or user for  
20 connection to the facilities of the service and used in the ordinary course of  
21 its business; or

22       2. Being used by a ~~communications-carrier~~ provider of electronic or wire  
23 communication service in the ordinary course of its business, or by a law  
24 enforcement officer in the ordinary course of his or her duties.

25       ••87b3710/3••SECTION 472zpai. 968.27 (4) of the statutes is renumbered  
26 968.27 (10) and amended to read:

27       968.27 (10) "Investigative or law enforcement officer" means any officer  
28 of this state or political subdivision thereof, who is empowered by the laws

1 of this state to conduct investigations of or to make arrests for offenses  
2 enumerated in ss. 968.28 to 968.33 968.37, and any attorney authorized by law  
3 to prosecute or participate in the prosecution of such those offenses.

4 ••87b3710/3••SECTION 472zpaj. 968.27 (4) of the statutes is created to  
5 read:

6 968.27 (4) "Electronic communication" means any transfer of signs,  
7 signals, writing, images, sounds, data or intelligence of any nature wholly or  
8 partially transmitted by a wire, radio, electromagnetic, photoelectronic or  
9 photooptical system. "Electronic communication" does not include any of the  
10 following:

11 (a) The radio portion of a cordless telephone communication that is  
12 transmitted between the cordless telephone handset and the base unit.

13 (b) Any wire or oral communication.

14 (c) Any communication made through a tone-only paging device.

15 (d) Any communication from a tracking device.

16 ••87b3710/3••SECTION 472zpak. 968.27 (5) of the statutes is renumbered  
17 968.27 (3) and amended to read:

18 968.27 (3) "Contents" when used with respect to any wire, electronic or  
19 oral communication, includes any information concerning the ~~identity of the~~  
20 ~~parties to such communication or the existence,~~ substance, purport or meaning  
21 of that communication.

22 ••87b3710/3••SECTION 472zpaL. 968.27 (5) of the statutes is created to  
23 read:

24 968.27 (5) "Electronic communication service" means any service that  
25 provides its users with the ability to send or receive wire or electronic  
26 communications.

27 ••87b3710/3••SECTION 472zpam. 968.27 (6) of the statutes is renumbered  
28 968.27 (1) and amended to read:

1        968.27 (1) "Aggrieved person" means a person who was a party to any  
2 intercepted wire, electronic or oral communication or a person against whom  
3 the interception was directed.

4        ••87b3710/3••SECTION 472zpan. 968.27 (6) of the statutes is created to  
5 read:

6        968.27 (6) "Electronic communications system" means any wire, radio,  
7 electromagnetic, photooptical or photoelectronic facilities for the transmis-  
8 sion of electronic communications, and any computer facilities or related  
9 electronic equipment for the electronic storage of those communications.

10       ••87b3710/3••SECTION 472zpao. 968.27 (7) of the statutes is renumbered  
11 968.27 (11) and amended to read:

12       968.27 (11) "Judge" means the judge sitting at the time an application is  
13 made under s. 968.30 or his or her successor.

14       ••87b3710/3••SECTION 472zpaq. 968.27 (8) of the statutes is created to  
15 read:

16       968.27 (8) "Electronic storage" means any of the following:

17       (a) Any temporary, intermediate storage of a wire or electronic communi-  
18 cation incidental to the electronic transmission thereof.

19       (b) Any storage of a wire or electronic communication by an electronic  
20 communication service for purposes of backup protection of the communication.

21       ••87b3710/3••SECTION 472zpaq. 968.27 (13) of the statutes is created to  
22 read:

23       968.27 (13) "Pen register" means a device that records or decodes elec-  
24 tronic or other impulses that identify the numbers dialed or otherwise trans-  
25 mitted on the telephone line to which the device is attached. "Pen register"  
26 does not include any device used by a provider or customer of a wire or elec-  
27 tronic communication service for billing, or recording as an incident to  
28 billing, for communications services provided by the provider or any device

1 used by a provider or customer of a wire communication service for cost  
2 accounting or other like purposes in the ordinary course of its business.

3 ••87b3710/3••SECTION 472zpar. 968.27 (14) of the statutes is created to  
4 read:

5 968.27 (14) "Readily accessible to the general public" means, with  
6 respect to a radio communication, that the communication is not any of the  
7 following:

8 (a) Scrambled or encrypted.

9 (b) Transmitted using modulation techniques whose essential parameters  
10 have been withheld from the public with the intention of preserving the pri-  
11 vacy of the communication.

12 (c) Carried on a subcarrier or other signal subsidiary to a radio  
13 transmission.

14 (d) Transmitted over a communication system provided by a common carrier,  
15 unless the communication is a tone-only paging system communication.

16 (e) Transmitted on frequencies allocated under 47 CFR part 25, subpart D,  
17 E or F of part 74, or part 94, unless in the case of a communication trans-  
18 mitted on a frequency allocated under 47 CFR part 74 that is not exclusively  
19 allocated to broadcast auxiliary services, the communication is a 2-way voice  
20 communication by radio.

21 ••87b3710/3••SECTION 472zpas. 968.27 (15) of the statutes is created to  
22 read:

23 968.27 (15) "Trap and trace device" means a device that captures the  
24 incoming electronic or other impulses that identify the originating number of  
25 an instrument or device from which a wire or electronic communication was  
26 transmitted.

27 ••87b3710/3••SECTION 472zpat. 968.27 (16) of the statutes is created to  
28 read:



1 968.27 (16) "User" means any person who or entity that:

2 (a) Uses an electronic communication service; and

3 (b) Is duly authorized by the provider of the service to engage in that  
4 use.

5 ••87b3710/3••SECTION 472zpau. 968.28 of the statutes is amended to read:

6 968.28 APPLICATION FOR COURT ORDER TO INTERCEPT COMMUNICATIONS. The  
7 attorney general together with the district attorney of any county may approve  
8 a request of an investigative or law enforcement officer to apply to the chief  
9 judge of the judicial administrative district for the county where the inter-  
10 ception is to take place for an order authorizing or approving the intercep-  
11 tion of wire, electronic or oral communications. The chief judge may under s.  
12 968.30 grant an order authorizing or approving the interception of wire,  
13 electronic or oral communications by investigative or law enforcement officers  
14 having responsibility for the investigation of the offense for which the  
15 application is made. The authorization shall be permitted only if the inter-  
16 ception may provide or has provided evidence of the commission of the offense  
17 of murder, kidnapping, commercial gambling, bribery, extortion or dealing in  
18 controlled substances or a computer crime which that is a felony under s.  
19 943.70 or any conspiracy to commit any of the foregoing offenses.

20 ••87b3732/2••SECTION 472zpc. 968.28 of the statutes, as affected by 1987  
21 Wisconsin Act .... (this act), is amended to read:

22 968.28 APPLICATION FOR COURT ORDER TO INTERCEPT COMMUNICATIONS. The  
23 attorney general together with the district attorney of any county may approve  
24 a request of an investigative or law enforcement officer to apply to the chief  
25 judge of the judicial administrative district for the county where the inter-  
26 ception is to take place for an order authorizing or approving the intercep-  
27 tion of wire, electronic or oral communications. The chief judge may under s.  
28 968.30 grant an order authorizing or approving the interception of wire,

1 electronic or oral communications by investigative or law enforcement officers  
2 having responsibility for the investigation of the offense for which the  
3 application is made. The authorization shall be permitted only if the inter-  
4 ception may provide or has provided evidence of the commission of the offense  
5 of homicide, felony murder, kidnapping, commercial gambling, bribery,  
6 extortion or dealing in controlled substances or a computer crime that is a  
7 felony under s. 943.70 or any conspiracy to commit any of the foregoing  
8 offenses.

9 ••87b3710/3••SECTION 472zpc. 968.29 of the statutes is amended to read:

10 968.29 (title) AUTHORIZATION FOR DISCLOSURE AND USE OF INTERCEPTED WIRE,  
11 ELECTRONIC OR ORAL COMMUNICATIONS. (1) Any investigative or law enforcement  
12 officer who, by any means authorized by ss. 968.28 to ~~968.33~~ 968.37 or 18 USC  
13 2510 to 2520, has obtained knowledge of the contents of any wire, electronic  
14 or oral communication, or evidence derived therefrom, may disclose ~~such~~ the  
15 contents to another investigative or law enforcement officer only to the  
16 extent that ~~such~~ the disclosure is appropriate to the proper performance of  
17 the official duties of the officer making or receiving the disclosure.

18 (2) Any investigative or law enforcement officer who, by any means  
19 authorized by ss. 968.28 to ~~968.33~~ 968.37 or 18 USC 2510 to 2520, has obtained  
20 knowledge of the contents of any wire, electronic or oral communication or  
21 evidence derived therefrom may use ~~such~~ the contents only to the extent ~~such~~  
22 the use is appropriate to the proper performance of ~~his~~ or her official  
23 duties.

24 (3) Any person who has received, by any means authorized by ss. 968.28 to  
25 ~~968.33~~ 968.37 or 18 USC 2510 to 2520 or by a like statute of any other state,  
26 any information concerning a wire, electronic or oral communication or evi-  
27 dence derived therefrom intercepted in accordance with ss. 968.28 to ~~968.33~~  
28 968.37, may disclose the contents of that communication or ~~such~~ that deriva-

1 tive evidence only while giving testimony under oath or affirmation in any  
2 proceeding in any court or before any magistrate or grand jury in this state,  
3 or in any court of the United States or of any state, or in any federal or  
4 state grand jury proceeding.

5 (4) No otherwise privileged wire, electronic or oral communication  
6 intercepted in accordance with, or in violation of, ss. 968.28 to ~~968.33~~  
7 968.37 or 18 USC 2510 to 2520, ~~shall~~ may lose its privileged character.

8 (5) When an investigative or law enforcement officer, while engaged in  
9 intercepting wire, electronic or oral communications in the manner authorized,  
10 intercepts wire, electronic or oral communications relating to offenses other  
11 than those specified in the order of authorization or approval, the contents  
12 thereof, and evidence derived therefrom, may be disclosed or used as provided  
13 in subs. (1) and (2). ~~Such~~ The contents and any evidence derived therefrom  
14 may be used under sub. (3) when authorized or approved by the judge who acted  
15 on the original application where ~~such~~ the judge finds on subsequent  
16 application, made as soon as practicable but no later than 48 hours, that the  
17 contents were otherwise intercepted in accordance with ss. 968.28 to ~~968.33~~  
18 968.37 or 18 USC 2510 to 2520 or by a like statute.

19 ••87b3710/3••SECTION 472zpcf. 968.30 (title) of the statutes is amended  
20 to read:

21 968.30 (title) PROCEDURE FOR INTERCEPTION OF WIRE, ELECTRONIC OR ORAL  
22 COMMUNICATIONS.

23 ••87b3710/3••SECTION 472zpcg. 968.30 (1) (intro.) of the statutes is  
24 amended to read:

25 968.30 (1) (intro.) Each application for an order authorizing or approv-  
26 ing the interception of a wire, electronic or oral communication shall be made  
27 in writing upon oath or affirmation to the court and shall state the appli-  
28 cant's authority to make ~~such~~ the application and may be upon personal knowl-

1 edge or information and belief. Each application shall include the following  
2 information:

3 ••87b3710/3••SECTION 472zpch. 968.30 (1) (e) of the statutes is amended  
4 to read:

5 968.30 (1) (e) A full and complete statement of the facts concerning all  
6 previous applications known to the individual authorizing and making the  
7 application, made to any court for authorization to intercept, or for approval  
8 of interceptions of, wire, electronic or oral communications involving any of  
9 the same persons, facilities or places specified in the application, and the  
10 action taken by the court on each such application; and

11 ••87b3710/3••SECTION 472zpci. 968.30 (3) (intro.) of the statutes is  
12 amended to read:

13 968.30 (3) (intro.) Upon ~~such~~ the application the court may enter an ex  
14 parte order, as requested or as modified, authorizing or approving intercep-  
15 tion of wire, electronic or oral communications, if the court determines on  
16 the basis of the facts submitted by the applicant that all of the following  
17 exist:

18 ••87b3710/3••SECTION 472zpcj. 968.30 (3) (d) of the statutes is amended  
19 to read:

20 968.30 (3) (d) There is probable cause for belief that the facilities  
21 from which, or the place where, the wire, electronic or oral communications  
22 are to be intercepted are being used, or are about to be used, in connection  
23 with the commission of ~~such~~ the offense, or are leased to, listed in the name  
24 of, or commonly used by ~~such~~ the person.

25 ••87b3710/3••SECTION 472zpcj. 968.30 (4) (intro.) of the statutes is  
26 amended to read:

27 968.30 (4) (intro.) Each order authorizing or approving the interception  
28 of any wire, electronic or oral communication shall specify:

1       ••87b3710/3••SECTION 472zpcL. 968.30 (5) of the statutes is amended to  
2 read:

3       968.30 (5) No order entered under this section may authorize or approve  
4 the interception of any wire, electronic or oral communication for any period  
5 longer than is necessary to achieve the objective of the authorization, nor in  
6 any event longer than 30 days. The 30-day period begins on the earlier of the  
7 day on which the investigative or law enforcement officer first begins to  
8 conduct an interception under the order or 10 days after the order is entered.  
9 Extensions of an order may be granted, but only upon application for an  
10 extension made in accordance with sub. (1) and the court making the findings  
11 required by sub. (3). The period of extension shall be no longer than the  
12 authorizing judge deems necessary to achieve the purposes for which it was  
13 granted and in no event be for longer than 30 days. Every order and extension  
14 thereof shall contain a provision that the authorization to intercept shall be  
15 executed as soon as practicable, shall be conducted in such a way as to mini-  
16 mize the interception of communications not otherwise subject to interception  
17 under this chapter, and must terminate upon attainment of the authorized  
18 objective, or in any event in 30 days. In the event the intercepted communi-  
19 cation is in a code or foreign language, and an expert in that foreign lan-  
20 guage or code is not reasonably available during the interception period,  
21 minimization may be accomplished as soon as practicable after the  
22 interception.

23       ••87b3710/3••SECTION 472zpcM. 968.30 (7) (a) of the statutes is amended  
24 to read:

25       968.30 (7) (a) The contents of any wire, electronic or oral communication  
26 intercepted by any means authorized by ss. 968.28 to ~~968.33~~ 968.37 shall, if  
27 possible, be recorded on tape or wire or other comparable device. The  
28 recording of the contents of any wire, electronic or oral communication under

1 this subsection shall be done in such way as will protect the recording from  
2 editing or other alterations. Immediately upon the expiration of the period  
3 of the order or extensions thereof all such recordings and records of an  
4 intercepted wire, electronic or oral communication shall be filed with the  
5 court issuing ~~such~~ the order and the court shall order the same to be sealed.  
6 Custody of the recordings and records shall be wherever the judge handling the  
7 application shall order. They shall not be destroyed except upon an order of  
8 the issuing or denying judge and in any event shall be properly kept and pre-  
9 served for 10 years. Duplicate recordings and other records may be made for  
10 use or disclosure pursuant to the provisions for investigations under s.  
11 968.29 (1) and (2). The presence of the seal provided for by this subsection,  
12 or a satisfactory explanation for the absence thereof, shall be a prerequisite  
13 for the use or disclosure of the contents of any wire, electronic or oral  
14 communication or evidence derived therefrom under s. 968.29 (3).

15 ••87b3710/3••SECTION 472zpcn. 968.30 (7) (d) 3 of the statutes is amended  
16 to read:

17 968.30 (7) (d) 3. The fact that during the period wire, electronic or  
18 oral communications were or were not intercepted.

19 ••87b3710/3••SECTION 472zpco. 968.30 (8) of the statutes is amended to  
20 read:

21 968.30 (8) The contents of any intercepted wire, electronic or oral com-  
22 munication or evidence derived therefrom shall not be received in evidence or  
23 otherwise disclosed in any trial, hearing or other proceeding in any court of  
24 this state unless each party, not less than 10 days before the trial, hearing  
25 or proceeding, has been furnished with a copy of the court order, and accom-  
26 panying application, under which the interception was authorized or approved.  
27 This 10-day period may be waived by the judge if he or she finds that it was  
28 not possible to furnish the party with the above information 10 days before

1 the trial, hearing or proceeding and that the party will not be prejudiced by  
2 the delay in receiving such the information.

3 ••87b3710/3••SECTION 472zpcp. 968.30 (9) (a) of the statutes is amended  
4 to read:

5 968.30 (9) (a) Any aggrieved person in any trial, hearing or proceeding  
6 in or before any court, department, officer, agency, regulatory body or other  
7 authority of this state, or a political subdivision thereof, may move before  
8 the trial court or the court granting the original warrant to suppress the  
9 contents of any intercepted wire, electronic or oral communication, or evi-  
10 dence derived therefrom, on the grounds that 1) the communication was unlaw-  
11 fully intercepted; 2) the order of authorization or approval under which it  
12 was intercepted is insufficient on its face; or 3) the interception was not  
13 made in conformity with the order of authorization or approval. Such The  
14 motion shall be made before the trial, hearing or proceeding unless there was  
15 no opportunity to make such the motion or the person was not aware of the  
16 grounds of the motion. If the motion is granted, the contents of the inter-  
17 cepted wire, electronic or oral communication, or evidence derived therefrom,  
18 shall be treated as having been obtained in violation of ss. 968.28 to ~~968.33~~  
19 968.37. The judge may, upon the filing of such the motion by the aggrieved  
20 person, make available to the aggrieved person or his or her counsel for  
21 inspection such portions of the intercepted communication or evidence derived  
22 therefrom as the judge determines to be in the interest of justice.

23 ••87b3710/3••SECTION 472zpcq. 968.30 (10) of the statutes is amended to  
24 read:

25 968.30 (10) Nothing in ss. 968.28 to ~~968.33~~ 968.37 shall be construed to  
26 allow the interception of any wire, electronic or oral communication between  
27 an attorney and a client.

1       ••87b3710/3••SECTION 472zpcr. 968.31 (title) of the statutes is amended  
2 to read:

3       968.31 (title) INTERCEPTION AND DISCLOSURE OF WIRE, ELECTRONIC OR ORAL  
4 COMMUNICATIONS PROHIBITED.

5       ••87b3710/3••SECTION 472zpcs. 968.31 (1) (a) of the statutes is amended  
6 to read:

7       968.31 (1) (a) Intentionally intercepts, attempts to intercept or pro-  
8 cures any other person to intercept or attempt to intercept, any wire, elec-  
9 tronic or oral communication;\_

10       ••87b3710/3••SECTION 472zpct. 968.31 (1) (b) of the statutes is amended  
11 to read:

12       968.31 (1) (b) Intentionally uses, attempts to use or procures any other  
13 person to use or attempt to use any electronic, mechanical or other device to  
14 intercept any oral communication;\_

15       ••87b3710/3••SECTION 472zpcu. 968.31 (1) (c) of the statutes is amended  
16 to read:

17       968.31 (1) (c) Discloses, or attempts to disclose, to any other person  
18 the contents of any wire, electronic or oral communication, knowing or having  
19 reason to know that the information was obtained through the interception of a  
20 wire or oral communication in violation of this section or under circumstances  
21 constituting violation of this section;\_

22       ••87b3710/3••SECTION 472zpcv. 968.31 (1) (d) of the statutes is amended  
23 to read:

24       968.31 (1) (d) Uses, or attempts to use, the contents of any wire, elec-  
25 tronic or oral communication, knowing or having reason to know that the  
26 information was obtained through the interception of a wire, electronic or  
27 oral communication in violation of this section or under circumstances con-  
28 stituting violation of this section;\_or\_



1       ••87b3710/3••SECTION 472zpcw. 968.31 (1) (e) of the statutes is amended  
2 to read:

3       968.31 (1) (e) Intentionally discloses the contents of any oral, elec-  
4 tronic or wire communication obtained by authority of ss. 968.28, 968.29 and  
5 968.30, except as therein provided.

6       ••87b3710/3••SECTION 472zpcx. 968.31 (1) (f) of the statutes is amended  
7 to read:

8       968.31 (1) (f) Intentionally alters any wire, electronic or oral com-  
9 munication intercepted on tape, wire or other device.

10       ••87b3710/3••SECTION 472zpcxb. 968.31 (2) (intro.) of the statutes is  
11 amended to read:

12       968.31 (2) (intro.) It is not unlawful under ss. 968.28 to ~~968.33~~ 968.37:

13       ••87b3710/3••SECTION 472zpcxc. 968.31 (2) (a) of the statutes is amended  
14 to read:

15       968.31 (2) (a) For an operator of a switchboard, or an officer, employe  
16 or agent of any ~~telecommunications utility~~ provider of a wire or electronic  
17 communication service, whose facilities are used in the transmission of a wire  
18 or electronic communication to intercept, disclose or use that communication  
19 in the normal course of his or her employment while engaged in any activity  
20 which is a necessary incident to the rendition of his or her service or to the  
21 protection of the rights or property of the ~~carrier of such communication, but~~  
22 ~~telecommunications utilities~~ provider of that service, except that a provider  
23 of a wire or electronic communication service shall not utilize service  
24 observing or random monitoring except for mechanical or service quality con-  
25 trol checks.

26       ••87b3710/3••SECTION 472zpcxd. 968.31 (2) (b) of the statutes is amended  
27 to read:

1        968.31 (2) (b) For a person acting under color of law to intercept a  
2 wire, electronic or oral communication, where ~~such~~ the person is a party to  
3 the communication or one of the parties to the communication has given prior  
4 consent to ~~such~~ the interception.

5        ••87b3710/3••SECTION 472zpcxe. 968.31 (2) (c) of the statutes is amended  
6 to read:

7        968.31 (2) (c) For a person not acting under color of law to intercept a  
8 wire, electronic or oral communication where ~~such~~ the person is a party to the  
9 communication or where one of the parties to the communication has given prior  
10 consent to ~~such~~ the interception unless ~~such~~ the communication is intercepted  
11 for the purpose of committing any criminal or tortious act in violation of the  
12 constitution or laws of the United States or of any state or for the purpose  
13 of committing any other injurious act.

14        ••87b3710/3••SECTION 472zpcxf. 968.31 (2) (d) of the statutes is renum-  
15 bered 968.31 (2m), and 968.31 (2m) (intro.), as renumbered, is amended to  
16 read:

17        968.31 (2m) (intro.) Any person whose wire, electronic or oral communi-  
18 cation is intercepted, disclosed or used in violation of ss. 968.28 to ~~968.33~~  
19 968.37 shall ~~1)~~ have a civil cause of action against any person who  
20 intercepts, discloses or uses, or procures any other person to intercept,  
21 disclose, or use, ~~such~~ the communication, and ~~2)~~ shall be entitled to recover  
22 from any such person:

23        ••87b3710/3••SECTION 472zpcxg. 968.31 (2) (d) to (j) of the statutes are  
24 created to read:

25        968.31 (2) (d) For any person to intercept or access an electronic com-  
26 munication made through an electronic communication system that is configured  
27 so that the electronic communication is readily accessible to the general  
28 public.

1 (e) For any person to intercept any radio communication that is  
2 transmitted:

3 1. By any station for the use of the general public, or that relates to  
4 ships, aircraft, vehicles or persons in distress;

5 2. By any governmental, law enforcement, civil defense, private land  
6 mobile or public safety communications system, including police and fire,  
7 readily accessible to the general public;

8 3. By a station operating on an authorized frequency within the bands  
9 allocated to the amateur, citizens band or general mobile radio services; or

10 4. By any marine or aeronautical communications system.

11 (f) For any person to engage in any conduct that:

12 1. Is prohibited by section 633 of the communications act of 1934; or

13 2. Is excepted from the application of section 705 (a) of the communi-  
14 cations act of 1934 by section 705 (b) of that act.

15 (g) For any person to intercept any wire or electronic communication the  
16 transmission of which is causing harmful interference to any lawfully oper-  
17 ating station or consumer electronic equipment, to the extent necessary to  
18 identify the source of the interference.

19 (h) For users of the same frequency to intercept any radio communication  
20 made through a system that utilizes frequencies monitored by individuals  
21 engaged in the provision or the use of the system, if the communication is not  
22 scrambled or encrypted.

23 (i) To use a pen register or a trap and trace device as authorized under  
24 ss. 968.34 to 968.37; or

25 (j) For a provider of electronic communication service to record the fact  
26 that a wire or electronic communication was initiated or completed in order to  
27 protect the provider, another provider furnishing service toward the comple-

tion of the wire or electronic communication, or a user of that service, from fraudulent, unlawful or abusive use of the service.

••87b3710/3••SECTION 472zpcxh. 968.31 (3) of the statutes is amended to read:

968.31 (3) Good faith reliance on a court order or on s. 968.30 (7) shall constitute a complete defense to any civil or criminal action brought under ss. 968.28 to ~~968.33~~ 968.37.

••87b3710/3••SECTION 472zpcxi. 968.34 of the statutes is created to read:

968.34 USE OF PEN REGISTER OR TRAP AND TRACE DEVICE RESTRICTED. (1)

Except as provided in this section, no person may install or use a pen register or a trap and trace device without first obtaining a court order under s. 968.36 or 18 USC 3123 or 50 USC 1801 to 1811.

(2) The prohibition of sub. (1) does not apply with respect to the use of a pen register or a trap and trace device by a provider of electronic or wire communication service:

(a) Relating to the operation, maintenance and testing of a wire or electronic communication service or to the protection of the rights or property of the provider, or to the protection of users of that service from abuse of service or unlawful use of service;

(b) To record the fact that a wire or electronic communication was initiated or completed in order to protect the provider, another provider furnishing service toward the completion of the wire communication, or a user of that service, from fraudulent, unlawful or abusive use of service; or

(c) Where the consent of the user of that service has been obtained.

(3) Whoever knowingly violates sub. (1) shall be fined not more than \$10,000 or imprisoned not more than one year or both.

••87b3710/3••SECTION 472zpcxj. 968.35 of the statutes is created to read:

1        968.35 APPLICATION FOR AN ORDER FOR A PEN REGISTER OR A TRAP AND TRACE  
2 DEVICE. (1) The attorney general or a district attorney may make application  
3 for an order or an extension of an order under s. 968.36 authorizing or  
4 approving the installation and use of a pen register or a trap and trace  
5 device, in writing under oath or equivalent affirmation, to a circuit court  
6 for the county where the device is to be located.

7        (2) An application under sub. (1) shall include all of the following:

8        (a) The identity of the person making the application and the identity of  
9 the law enforcement agency conducting the investigation.

10       (b) A certification by the applicant that the information likely to be  
11 obtained is relevant to an ongoing criminal investigation being conducted by  
12 that agency.

13       ••87b3710/3••SECTION 472zpcxk. 968.36 of the statutes is created to read:

14       968.36 ISSUANCE OF AN ORDER FOR A PEN REGISTER OR A TRAP AND TRACE  
15 DEVICE. (1) Upon an application made under s. 968.35, the court shall enter  
16 an ex parte order authorizing the installation and use of a pen register or a  
17 trap and trace device within the jurisdiction of the court if the court finds  
18 that the applicant has certified to the court that the information likely to  
19 be obtained by the installation and use is relevant to an ongoing criminal  
20 investigation.

21       (2) An order issued under this section shall do all of the following:

22       (a) Specify the identity, if known, of the person to whom is leased or in  
23 whose name is listed the telephone line to which the pen register or trap and  
24 trace device is to be attached.

25       (b) Specify the identity, if known, of the person who is the subject of  
26 the criminal investigation.

27       (c) Specify the number and, if known, the physical location of the tele-  
28 phone line to which the pen register or trap and trace device is to be

1 attached and, in the case of a trap and trace device, the geographic limits of  
2 the trap and trace order.

3 (d) Provide a statement of the offense to which the information likely to  
4 be obtained by the pen register or trap and trace device relates.

5 (e) Direct, upon the request of the applicant, the furnishing of  
6 information, facilities and technical assistance necessary to accomplish the  
7 installation of the pen register or trap and trace device under s. 968.37.

8 (3) An order issued under this section shall authorize the installation  
9 and use of a pen register or a trap and trace device for a period not to  
10 exceed 60 days.

11 (4) Extensions of the order may be granted, but only upon an application  
12 for an order under s. 968.35 and upon the judicial finding required by sub.  
13 (1). The period of extension shall be for a period not to exceed 60 days.

14 (5) An order authorizing or approving the installation and use of a pen  
15 register or a trap and trace device shall direct that:

16 (a) The order be sealed until otherwise ordered by the court; and

17 (b) The person owning or leasing the line to which the pen register or a  
18 trap and trace device is attached, or who has been ordered by the court to  
19 provide assistance to the applicant, not disclose the existence of the pen  
20 register or trap and trace device or the existence of the investigation to the  
21 listed subscriber, or to any other person, unless or until otherwise ordered  
22 by the court.

23 ••87b3710/3••SECTION 472zpcxL. 968.37 of the statutes is created to read:

24 968.37 ASSISTANCE IN THE INSTALLATION AND USE OF A PEN REGISTER OR TRAP  
25 AND TRACE DEVICE. (1) Upon the request of the attorney general, a district  
26 attorney or an officer of a law enforcement agency authorized to install and  
27 use a pen register under ss. 968.28 to 968.37, a provider of wire or elec-  
28 tronic communication service, landlord, custodian or other person shall fur-

1 nish the investigative or law enforcement officer forthwith all information,  
2 facilities and technical assistance necessary to accomplish the installation  
3 of the pen register unobtrusively and with a minimum of interference with the  
4 services that the person so ordered by the court accords the party with  
5 respect to whom the installation and use is to take place, if the assistance  
6 is directed by a court order under s. 968.36 (5) (b).

7 (2) Upon the request of the attorney general, a district attorney or an  
8 officer of a law enforcement agency authorized to receive the results of a  
9 trap and trace device under ss. 968.28 to 968.37, a provider of a wire or  
10 electronic communication service, landlord, custodian or other person shall  
11 install the device forthwith on the appropriate line and shall furnish the  
12 investigative or law enforcement officer all additional information, facilities  
13 and technical assistance including installation and operation of the  
14 device unobtrusively and with a minimum of interference with the services that  
15 the person so ordered by the court accords the party with respect to whom the  
16 installation and use is to take place, if the installation and assistance is  
17 directed by a court order under s. 968.36 (5) (b). Unless otherwise ordered  
18 by the court, the results of the trap and trace device shall be furnished to  
19 the officer of a law enforcement agency, designated by the court, at reasonable  
20 intervals during regular business hours for the duration of the order.

21 (3) A provider of a wire or electronic communication service, landlord,  
22 custodian or other person who furnishes facilities or technical assistance  
23 under this section shall be reasonably compensated for the reasonable expenses  
24 incurred in providing the facilities and assistance.

25 (4) No cause of action may lie in any court against any provider of a  
26 wire or electronic communication service, its officers, employees or agents or  
27 other specified persons for providing information, facilities or assistance in  
28 accordance with the terms of a court order under s. 968.36.

1 (5) A good faith reliance on a court order, a legislative authorization  
2 or a statutory authorization is a complete defense against any civil or crim-  
3 inal action brought under ss. 968.28 to 968.37.

4 ••87b3674/1••SECTION 472zpd. 969.001 (2) of the statutes is amended to  
5 read:

6 969.001 (2) "Serious bodily harm" means bodily injury which causes or  
7 contributes to the death of a human being or which creates a ~~high probability~~  
8 substantial risk of death or which causes serious permanent disfigurement, or  
9 which causes a permanent or protracted loss or impairment of the function of  
10 any bodily member or organ or other serious bodily injury.

11 ••87b3674/1••SECTION 472zpe. 969.035 (1) of the statutes, as affected by  
12 1987 Wisconsin Act 90, is amended to read:

13 969.035 (1) In this section, "violent crime" means any crime specified in  
14 s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.10, 940.19 (2),  
15 940.201, 940.21, 940.225 (1), 940.23 or 941.327.

16 ••87b3674/1••SECTION 472zpf. 969.08 (10) (b) of the statutes, as affected  
17 by 1987 Wisconsin Act 90, is amended to read:

18 969.08 (10) (b) "Serious crime" means any crime specified in s. 346.62  
19 (4), 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19  
20 (2), 940.20, 940.201, 940.21, 940.225 (1) to (3), 940.23, 940.24, ~~940.245,~~  
21 940.25, 940.29, 940.31, 940.32, 941.20 (2), 941.26, 941.30, 941.327, 943.01  
22 (2) (c), 943.02, 943.03, 943.04, 943.06, 943.10, 943.30, 943.32, 944.12,  
23 946.01, 946.02, 946.43 or 947.015.

24 ••87b3674/1••SECTION 472zpg. 971.35 of the statutes is repealed.

25 ••87b2300/1••SECTION 472zs. 973.03 (4) (a) of the statutes, as created by  
26 1987 Wisconsin Act 27, is amended to read:

27 973.03 (4) (a) In lieu of a sentence of imprisonment to the county jail,  
28 a court may impose a sentence of detention at the defendant's place of resi-



1 dence or other place designated by the court. The length of detention may not  
2 exceed the maximum possible period of imprisonment. The detention shall be  
3 monitored by the use of an electronic device worn continuously on the defen-  
4 dant's person and capable of providing positive identification of the wearer  
5 at the detention location at any time. A sentence of detention in lieu of  
6 jail confinement may be imposed only if agreed to by the defendant. The court  
7 shall ensure that the defendant is provided a written statement of the terms  
8 of the sentence of detention, including a description of the detention moni-  
9 toring procedures and requirements and of any applicable liability issues.  
10 The terms of the sentence of detention may include a requirement that the  
11 defendant pay a daily fee to cover the costs associated with monitoring him or  
12 her. In that case, the terms must specify to whom the payments are made.

13 ••87b3032/1••SECTION 472zv. 973.05 (1) and (2) of the statutes, as  
14 affected by 1987 Wisconsin Act 27, are amended to read:

15 973.05 (1) When a defendant is sentenced to pay a fine, the court may  
16 grant permission for the payment of the fine, of the penalty assessment  
17 imposed by s. 165.87, the jail assessment imposed by s. 53.46 (1), the crime  
18 victim and witness assistance surcharge under s. 973.045, any applicable  
19 domestic abuse assessment imposed by s. 971.37 (1m) (c) 1 or 973.055, any  
20 applicable driver improvement surcharge imposed by s. 346.655, any applicable  
21 weapons assessment imposed by s. 167.31, any well contamination assessment  
22 imposed under s. 144.029, any applicable natural resources assessment imposed  
23 by s. 29.997 and any applicable natural resources restitution payment imposed  
24 by s. 29.998 to be made within a period not to exceed 60 days. If no such  
25 permission is embodied in the sentence, the fine, the penalty assessment, the  
26 jail assessment, the crime victim and witness assistance surcharge, any  
27 applicable domestic abuse assessment, any applicable driver improvement  
28 surcharge, any applicable weapons assessment, any well contamination assess-

1 ment imposed under s. 144.029, any applicable natural resources assessment and  
2 any applicable natural resources restitution payment shall be payable  
3 immediately.

4 (2) When a defendant is sentenced to pay a fine and is also placed on  
5 probation, the court may make the payment of the fine, the penalty assessment,  
6 the jail assessment, the crime victim and witness assistance surcharge, any  
7 applicable domestic abuse assessment, any applicable driver improvement  
8 surcharge, any applicable weapons assessment, any applicable natural resources  
9 assessment, any well contamination assessment imposed under s. 144.029 and any  
10 applicable natural resources restitution payments a condition of probation.  
11 When the payments are made a condition of probation by the court, payments  
12 thereon shall be applied first to payment of the penalty assessment until paid  
13 in full, shall then be applied to the payment of the jail assessment until  
14 paid in full, shall then be applied to the payment of the crime victim and  
15 witness assistance surcharge until paid in full, shall then be applied to  
16 payment of the driver improvement surcharge until paid in full, shall then be  
17 applied to payment of the domestic abuse assessment until paid in full, shall  
18 then be applied to payment of the natural resources assessment if applicable  
19 until paid in full, shall then be applied to payment of the natural resources  
20 restitution payment until paid in full, shall then be applied to the payment  
21 of the well contamination assessment, if imposed, until paid in full, shall  
22 then be applied to payment of the weapons assessment until paid in full and  
23 shall then be applied to payment of the fine.

24 ••87-4990/1••SECTION 473. 977.02 (7r) of the statutes is created to read:

25 977.02 (7r) (a) Promulgate rules to reduce payment rates under s. 977.08  
26 (4m) for either or both of the following:

27 1. A reduction of not more than \$2 per hour for time spent in court.

1        2.    A reduction of not more than \$2 per hour for time spent out of court,  
2    excluding travel.

3        (b)   Any reduction under par. (a) applies to cases assigned on or after  
4    the effective date of the applicable rule promulgated under par. (a).

5        ••87b2926/1••SECTION 473m. 977.05 (4) (cm) of the statutes, as created by  
6    1987 Wisconsin Act 27, is amended to read:

7        977.05 (4) (cm) Appoint one deputy, and the number of division adminis-  
8    trators specified in s. 230.08 (2) (e) 8m ~~and all staff attorneys~~ in the  
9    unclassified service and appoint all other employees in the classified service.

10       ••87b2829/1••SECTION 474m. 977.07 (3) of the statutes, as affected by  
11    1987 Wisconsin Act 61, is amended to read:

12       977.07 (3) A circuit court may review any indigency determination upon  
13    its own motion or the motion of the defendant and shall review any indigency  
14    determination upon the motion of the district attorney or the state public  
15    defender. The court, district attorney or state public defender may summon  
16    the defendant. The defendant may be compelled to testify only as to his or  
17    her financial eligibility under this section. If the defendant refuses to  
18    testify, the court may find the defendant is not eligible to have counsel  
19    assigned for him or her under s. 977.08. If the defendant testifies at this  
20    hearing, his or her testimony as to his or her financial eligibility under  
21    this section may not be used directly or indirectly in any criminal action,  
22    except in a criminal action regarding a subsequent charge of perjury or false  
23    swearing.

24       ••87-4990/1••SECTION 476. 977.08 (4m) of the statutes is amended to read:

25       977.08 (4m) For cases assigned prior to December 1, 1987, private local  
26    attorneys shall be paid \$40 per hour for time spent in court; \$30 per hour for  
27    time spent out of court, excluding travel, related to a case; and \$25 per hour  
28    for time spent in travel related to a case if any portion of the trip is out-

1 side the county in which the attorney's principal office is located. For  
2 Unless otherwise provided by a rule promulgated under s. 977.02 (7r), for  
3 cases assigned on or after December 1, 1987, private local attorneys shall be  
4 paid \$45 per hour for time spent in court; \$35 per hour for time spent out of  
5 court, excluding travel, related to a case; and \$25 per hour for time spent in  
6 travel related to a case if any portion of the trip is outside the county in  
7 which the attorney's principal office is located.

8 ••87b3371/1••SECTION 476m. Chapter 978 of the statutes is created to  
9 read:

10 CHAPTER 978

11 DISTRICT ATTORNEYS

12 978.001 DEFINITIONS. In this chapter:

13 (1) "Executive secretary" means the executive secretary of the prosecu-  
14 tors council.

15 (2) "Prosecution district" means a prosecution district described in s.  
16 978.07.

17 (3) "Prosecution system" means all of the prosecutorial units.

18 (4) "Prosecutorial unit" means a prosecutorial unit described in s.  
19 978.01.

20 978.01 NUMBER OF DISTRICT ATTORNEYS; ELECTION; TERM. There shall be 68  
21 district attorneys elected for full terms at the general election held in each  
22 even-numbered year. The regular term of office for each district attorney is  
23 2 years, commencing on the first Monday of January next succeeding his or her  
24 election. Each county is a prosecutorial unit and shall elect a district  
25 attorney, except that the following 2-county prosecutorial units shall elect a  
26 single district attorney by the combined electorate of the 2 counties:

27 (1) Shawano and Menominee.

28 (2) Pepin and Buffalo.

1 (3) Forest and Florence.

2 (4) Burnett and Washburn.

3 978.02 ELIGIBILITY FOR OFFICE. No person is eligible to hold the office  
4 of district attorney unless he or she is licensed to practice law in this  
5 state and resides in the prosecutorial unit from which he or she was elected.

6 978.03 DEPUTIES AND ASSISTANTS IN CERTAIN PROSECUTORIAL UNITS. The dis-  
7 trict attorney of any prosecutorial unit having a population of 200,000 or  
8 more may appoint 3 deputy district attorneys and such assistant district  
9 attorneys as may be authorized by the prosecutors council in accordance with  
10 s. 16.505. The district attorney shall rank the deputy district attorneys for  
11 purposes of carrying out duties under this section. The deputies, according  
12 to rank, may perform any duty of the district attorney, under the district  
13 attorney's direction. In the absence or disability of the district attorney,  
14 the deputies, according to rank, may perform any act required by law to be  
15 performed by the district attorney. Any such deputy must have practiced law  
16 in this state for at least 2 years prior to appointment under this section.  
17 Any such assistant district attorney must be an attorney admitted to practice  
18 law in this state and may perform any duty required by law to be performed by  
19 the district attorney. The district attorney of the prosecutorial unit may  
20 appoint such temporary counsel as may be authorized by the prosecutors  
21 council.

22 978.04 ASSISTANTS. The district attorney of any prosecutorial unit hav-  
23 ing a population of less than 200,000 may appoint one or more assistant dis-  
24 trict attorneys as necessary to carry out the duties of his or her office and  
25 as may be authorized by the prosecutors council in accordance with s. 16.505.  
26 Any such assistant district attorney must be an attorney admitted to practice  
27 law in this state and may perform any duty required by law to be performed by  
28 the district attorney.

1        978.05 DUTIES OF THE DISTRICT ATTORNEY. The district attorney shall:

2        (1) CRIMINAL ACTIONS. Except as otherwise provided by law, prosecute all  
3 criminal actions before any court within his or her prosecutorial unit.

4        (2) FORFEITURES. Except as otherwise provided by law, prosecute all  
5 state forfeiture actions, county traffic actions and actions concerning  
6 violations of county ordinances which are in conformity with state criminal  
7 laws in the courts within his or her prosecutorial unit.

8        (3) JOHN DOE PROCEEDINGS. Participate in investigatory proceedings under  
9 s. 968.26.

10       (4) GRAND JURY. When requested by a grand jury under s. 756.15, attend  
11 the grand jury for the purpose of examining witnesses in their presence; give  
12 the grand jury advice in any legal matter; draw bills of indictment; and issue  
13 subpoenas and other processes to compel the attendance of witnesses.

14       (5) CRIMINAL APPEALS. Upon the request and under the supervision and  
15 direction of the attorney general, brief and argue all criminal cases brought  
16 by appeal or writ of error or certified from a county within his or her  
17 prosecutorial unit to the court of appeals or supreme court. The district  
18 attorney for the prosecutorial unit in which the case was filed shall repre-  
19 sent the state in any appeal or other proceeding regarding the case which is  
20 decided by a single court of appeals judge, as specified in s. 752.31 (3).

21       (6) CIVIL ACTIONS OR SPECIAL PROCEEDINGS. (a) Institute, commence or  
22 appear in all civil actions or special proceedings under and perform the  
23 duties set forth under ss. 17.14, 38.51 (10) (d), 48.09 (1), (2) and (5),  
24 48.18, 59.073, 59.77, 69.07 (3), 70.36, 103.50 (8), 103.92 (4), 109.09 (1),  
25 161.55 (5), 343.305 (9) (a), 453.08, 806.05, 946.86, 946.87, 971.14 and  
26 973.075 to 973.077, perform any duties in connection with court proceedings in  
27 a court assigned to exercise jurisdiction under ch. 48 as the judge may  
28 request and perform all appropriate duties and appear if the district attorney

1 is designated in specific statutes, including matters within chs. 782, 976 and  
2 979 and ss. 51.81 to 51.85.

3 (b) Enforce the provisions of all general orders of the department of  
4 industry, labor and human relations relating to the sale, transportation and  
5 storage of explosives.

6 (7) ACTIONS TRANSFERRED TO ANOTHER COUNTY. If the place of trial is  
7 changed in any action or proceeding under this section to another county  
8 within or outside his or her prosecutorial unit, prosecute or defend the  
9 action or proceeding in that county.

10 (8) ADMINISTRATION. (a) Establish such offices throughout the  
11 prosecutorial unit as are necessary to carry out the duties of the office of  
12 district attorney.

13 (b) Supervise his or her staff and make appropriate assignments of the  
14 staff throughout the prosecutorial unit. The district attorney may request  
15 the assistance of district attorneys or assistant district attorneys from  
16 other prosecutorial units who then may appear and assist in the prosecution of  
17 criminal matters in like manner as assistants in the prosecutorial unit and  
18 with the same authority as the district attorney in the unit in which the  
19 action is brought.

20 (c) Supervise all expenditures of the district attorney's office.

21 (9) BUDGET. Prepare a biennial budget request for submission to the  
22 prosecutors council under s. 978.11 by September 1 of each even-numbered year.

23 978.06 RESTRICTION ON DISTRICT ATTORNEY. (1) No district attorney may  
24 receive any fee or reward from or on behalf of any prosecutor or any other  
25 individual for services in any prosecution or business to which it is the  
26 district attorney's official duty to attend.

27 (2) No district attorney may be concerned as attorney or counsel for  
28 either party, other than for the state or county, in any civil action depend-

1 ing upon the same state of facts upon which any criminal prosecution commenced  
2 but undetermined depends.

3 (3) No district attorney while in office may hold any judicial office, or  
4 hold the office of or act as corporation counsel or city, village or town  
5 attorney.

6 (4) No person who acted as district attorney, assistant district attorney  
7 or special district attorney for a county at the time of an arrest, exami-  
8 nation or indictment of any person charged with a crime in that county may  
9 thereafter appear for, or defend that person against the crime charged in the  
10 complaint, information or indictment.

11 (5) No district attorney, deputy district attorney or assistant district  
12 attorney may engage in a private practice of law, but he or she is authorized  
13 to complete all civil cases, not in conflict with the interest of the county  
14 or counties of his or her prosecutorial unit, in which he or she is counsel,  
15 pending in court before he or she takes office.

16 (6) No district attorney, deputy district attorney or assistant district  
17 attorney may appear in civil actions or proceedings under ss. 46.25 (7), 59.07  
18 (97), 767.45 and 767.65.

19 978.07 PROSECUTION DISTRICTS. The state is divided into prosecution  
20 districts as follows:

21 (1) The 1st district consists of Milwaukee county.

22 (2) The 2nd district consists of Kenosha, Racine and Walworth counties.

23 (3) The 3rd district consists of Jefferson, Ozaukee, Washington and  
24 Waukesha counties.

25 (4) The 4th district consists of Calumet, Fond du Lac, Manitowoc,  
26 Sheboygan and Winnebago counties.

27 (5) The 5th district consists of Dane, Green, Lafayette and Rock  
28 counties.



1       (6)    The 6th district consists of Adams, Clark, Columbia, Dodge, Green  
2 Lake, Juneau, Marquette, Portage, Sauk, Waushara and Wood counties.

3       (7)    The 7th district consists of Buffalo, Crawford, Grant, Iowa, Jackson,  
4 La Crosse, Monroe, Pepin, Pierce, Richland, Trempealeau and Vernon counties.

5       (8)    The 8th district consists of Brown, Door, Kewaunee, Marinette, Oconto  
6 and, Outagamie and Waupaca counties.

7       (9)    The 9th district consists of Florence, Forest, Langlade, Lincoln,  
8 Marathon, Menominee, Oneida, Price, Shawano, Taylor and Vilas counties.

9       (10)   The 10th district consists of Ashland, Barron, Bayfield, Burnett,  
10 Chippewa, Douglas, Dunn, Eau Claire, Iron, Polk, Rusk, St. Croix, Sawyer and  
11 Washburn counties.

12       978.08 ELECTION OF CHIEF DISTRICT PROSECUTORS. The district attorneys of  
13 each prosecution district shall elect from their ranks a chief district  
14 prosecutor who shall have the administrative duties for the district.

15       978.09 TERM OF OFFICE OF CHIEF DISTRICT PROSECUTOR. The chief district  
16 prosecutor shall serve a term of 2 years commencing August 1 of the year of  
17 election.

18       978.10 RESPONSIBILITIES AND DUTIES OF CHIEF DISTRICT PROSECUTOR. (1)  
19 The chief district prosecutor is the administrative chief of the prosecution  
20 district. The chief district prosecutor has general responsibility for  
21 supervising and directing the administration of the district.

22       (2)    In the exercise of this general responsibility, the chief district  
23 prosecutor may:

24       (a)    Assign prosecutors within the district for conflict of interest and  
25 other reasons if requested to do so by a district attorney, except in dis-  
26 tricts consisting of one county the prosecutors council shall make those  
27 assignments.

1 (b) Appoint the department of justice to perform prosecutorial functions  
2 within a prosecutorial unit if the department and the district attorney con-  
3 sent to the agreement.

4 (c) Cooperate with the executive secretary in the review and submission  
5 of budgets for his or her prosecution district.

6 (3) In any case in which the chief district prosecutor has a conflict of  
7 interest, the prosecution council shall exercise the authority of the chief  
8 district prosecutor under subs. (1) and (2).

9 978.11 PROSECUTORS COUNCIL. (1) DEFINITION. In this section, "council"  
10 means the prosecutors council created under s. 15.83.

11 (2) POWERS AND DUTIES. The council shall:

12 (a) Appoint an executive secretary and support staff subject to s.  
13 16.505, outside the classified service, who shall provide the bookkeeping,  
14 payroll, accounting and personnel advisory services required by the prose-  
15 cution districts and perform the functions and duties assigned by the council.

16 (b) Meet as necessary to carry out its duties. Meetings shall be called  
17 by the chairperson or, in the absence of the chairperson, by the vice  
18 chairperson.

19 (c) Prepare the budget of the prosecution system and submit it in accor-  
20 dance with s. 16.42.

21 (d) Recommend additional legislation necessary to improve the efficiency  
22 and effectiveness of the prosecution system established under this chapter.

23 (e) Promulgate rules necessary for the performance of council duties and  
24 responsibilities.

25 (3) TRANSITION; SUPPORT ENFORCEMENT. (a) To respond to exceptional  
26 circumstances in the transitional period, on or after June 30, 1989, and prior  
27 to June 30, 1990, in which a county may require assistance in the operation of  
28 its support enforcement functions, the prosecutors council may authorize

1 assistant district attorneys with support enforcement experience to assist the  
2 county in training and overseeing any new county employees who are hired to  
3 perform support enforcement duties. An assistant district attorney shall  
4 provide the assistance only if he or she consents to do so.

5 (b) Paragraph (a) does not apply on or after June 30, 1990.

6 978.12 SALARIES AND BENEFITS OF THE DISTRICT ATTORNEY AND STATE EMPLOYEES  
7 IN THE OFFICE OF THE DISTRICT ATTORNEY. (1) SALARIES. (a) District  
8 attorneys. District attorneys shall be compensated based on prosecutorial  
9 unit population as follows:

10 1. For prosecutorial units having a population of more than 500,000, 110%  
11 of the annual salary of a circuit judge.

12 2. For prosecutorial units having a population of more than 250,000 but  
13 not more than 500,000, 100% of the annual salary of a circuit judge.

14 3. For prosecutorial units having a population of more than 100,000 but  
15 not more than 250,000, 95% of the annual salary of a circuit judge.

16 4. For prosecutorial units having a population of more than 75,000 but  
17 not more than 100,000, 90% of the annual salary of a circuit judge.

18 5. For prosecutorial units having a population of more than 50,000 but  
19 not more than 75,000, 85% of the annual salary of a circuit judge.

20 6. For prosecutorial units having a population of more than 25,000 but  
21 not more than 50,000, 80% of the annual salary of a circuit judge.

22 7. For prosecutorial units having a population of not more than 25,000,  
23 70% of the annual salary of a circuit judge.

24 (b) Deputy district attorneys. Deputy district attorneys shall be  
25 employed outside the classified service. The state shall pay a salary to  
26 deputy district attorneys which shall not exceed the maximum of any pay range  
27 to which assistant district attorney positions are assigned, except that a  
28 deputy district attorney may receive additional compensation for supervisory

1 duties in accordance with supplementary provisions for supervisory and mana-  
2 gerial employees in the state compensation plan.

3 (c) Assistant district attorneys. Assistant district attorneys shall be  
4 employed outside the classified service. For purposes of salary  
5 administration, the prosecutors council shall establish one or more classifi-  
6 cations for assistant district attorneys in accordance with the classification  
7 or classifications allocated to assistant attorneys general. Except as pro-  
8 vided in s. 111.93 (3), the salaries of assistant district attorneys shall be  
9 established and adjusted in accordance with the state compensation plan for  
10 assistant attorneys general whose positions are allocated to the classifi-  
11 cation or classifications established by the prosecutors council.

12 (2) CONTINUOUS SERVICE DATE. For a county employee transferring to state  
13 employment under 1987 Wisconsin Act .... (this act), the employment date for  
14 determining an employee's period of continuous service shall be the employee's  
15 adjusted seniority date with the county. State seniority shall be accrued  
16 from that date.

17 (3) SICK LEAVE. For a county employee transferring to state employment  
18 under 1987 Wisconsin Act .... (this act), sick leave earned and accrued under  
19 the employee's county plan, not to exceed the amount of sick leave the employee  
20 would have earned and accrued under the state system for the same period,  
21 shall be transferred to the transferred employee's sick leave account if the  
22 employee is able to provide adequate documentation in accounting for sick leave  
23 used during the accrual period with the county. If there is a formal plan but  
24 no adequate documentation in accounting, credit may be granted on the basis of  
25 the number of years of service times one-half the state rate for earning sick  
26 leave. Sick leave which transfers under this section is not subject to a  
27 right of conversion, under s. 40.05 (4) or otherwise, upon death or termina-

1 tion of creditable service for payment of health insurance benefits on behalf  
2 of the employe or the employe's dependents.

3 (4) ANNUAL LEAVE. Annual leave for the district attorney and state  
4 employes of the office of district attorney shall be accrued at the rate pro-  
5 vided in s. 230.35 using the seniority date established under sub. (2) as a  
6 continuous service date. Annual leave shall be earned on a calendar year  
7 basis prorated from the effective date of the employe's transfer or acquisi-  
8 tion for the balance of the calendar year.

9 (5) RETIREMENT. (a) Definition. In this subsection, "required employer  
10 contribution rate" means the total amount paid to the Wisconsin retirement  
11 fund for similar participants, including actuarially determined current costs,  
12 any prior service amortization costs and any amount of employe contributions  
13 presently paid by the employer. These required employer contribution rates  
14 are subject to annual redetermination by the actuaries of the respective  
15 retirement systems; however, the contribution rates for elected public offi-  
16 cials and other employes shall be determined separately when the calculations  
17 are actuarially available from the Wisconsin retirement system and adopted by  
18 the employe trust funds board and other respective retirement systems.

19 (b) Employes generally. District attorneys and state employes of the  
20 office of district attorney shall be included within the provisions of the  
21 Wisconsin retirement system under ch. 40 as a participating employe of that  
22 office, except that the district attorney and state employes of Milwaukee  
23 county have the option provided under par. (c).

24 (c) Milwaukee county district attorney employes. The Milwaukee county  
25 district attorney and state employes of that office shall have the option of  
26 continuing as participants in the retirement system established under chapter  
27 201, laws of 1937, as follows:

1        1. The salaries authorized under this section for the district attorney  
2 and the state employes of the office of district attorney shall be paid by the  
3 state treasurer to the county treasurer pursuant to a voucher submitted by the  
4 district attorney to the prosecutors council under s. 978.11. The county  
5 treasurer shall pay the amounts directly to the district attorney and state  
6 employes of the office of district attorney and the amounts paid shall be  
7 subject to the retirement system established under chapter 201, laws of 1937.

8        2. The state shall pay to the county treasurer in the manner specified in  
9 subd. 1 on behalf of the district attorney and state employes of the office of  
10 the district attorney the required employer contribution rate as provided  
11 under ch. 40 or the required employer contribution rate under chapter 201,  
12 laws of 1937, whichever rate is less. The county shall pay any portion of the  
13 required employer contribution rate not covered by the state payment. For  
14 future retirement benefits, the district attorney and state employes of the  
15 office of district attorney shall be given the same consideration as other  
16 elected county officials and county employes under the county's retirement  
17 system.

18        3. The option under this paragraph to remain under a county program shall  
19 be exercised in writing, on forms provided by the prosecutors council under s.  
20 978.11, not later than September 30, 1989, and the action shall apply retro-  
21 spectively to June 30, 1989.

22        4. If the district attorney or a state employe of the office of district  
23 attorney does not elect to continue as a participant in the retirement system  
24 established under chapter 201, laws of 1937, he or she may not receive  
25 retirement benefits under that system during his or her employment with the  
26 state.

27        (6) LIFE AND HEALTH INSURANCE. District attorneys and state employes of  
28 the office of district attorney shall be included within the health care,

1 disability and survivor benefits provisions of ch. 40, as eligible employees of  
2 that office.

3 978.13 OPERATIONAL EXPENSES OF DISTRICT ATTORNEY OFFICES. (1) Except  
4 for expenses under sub. (2), the state shall assume financial responsibility  
5 for all necessary expenses relating to the operation of district attorney  
6 offices in the state.

7 (2) Each county in a district attorney's prosecutorial unit shall provide  
8 all of the following:

9 (a) Adequate office space in or near the county courthouse for district  
10 attorney operations in the county.

11 (b) The necessary maintenance services for the upkeep and repair of the  
12 office space.

13 (c) Necessary utilities for the office space.

14 (d) A sufficient law library and subscriptions to legal books and publi-  
15 cations necessary for the performance of the duties of the district attorney.  
16 Books and publications under this paragraph shall remain assets and property  
17 of the county.

18 (e) Adequate investigators and clerical staff subject to the approval and  
19 supervision of the district attorney.

20 (f) Office equipment and supplies.

21 978.14 COUNTY TRANSITION PAYMENTS. (1) For the period beginning June  
22 30, 1989, and ending June 30, 1992, counties shall make payments to the state  
23 as part of a transition toward state assumption of costs relating to the  
24 prosecution system. As a basis for those payments, the department of admin-  
25 istration shall determine the monthly amount that each county pays as of June  
26 29, 1989, for salaries, but not fringe benefits, associated with county posi-  
27 tions relating to the prosecution system that become state positions under  
28 1987 Wisconsin Act .... (this act).

1       (2) Each county shall make the following payments to the state treasurer  
2 for deposit in the general fund:

3       (a) For June 30, 1989, four eighty-sevenths of its monthly amount. The  
4 county shall make the payment on or before June 30, 1989.

5       (b) For the period beginning July 1, 1989, and ending December 31, 1989,  
6 4.5 times its monthly amount. The county shall make the payment on or before  
7 December 31, 1989.

8       (c) For the period beginning January 1, 1990, and ending June 30, 1990,  
9 4.5 times its monthly amount. The county shall make the payment on or before  
10 June 30, 1990.

11       (d) For the period beginning July 1, 1990, and ending December 31, 1990,  
12 3 times its monthly amount. The county shall make the payment on or before  
13 December 31, 1990.

14       (e) For the period beginning January 1, 1991, and ending June 30, 1991, 3  
15 times its monthly amount. The county shall make the payment on or before June  
16 30, 1991.

17       (f) For the period beginning July 1, 1991, and ending December 31, 1991,  
18 1.5 times its monthly amount. The county shall make the payment on or before  
19 December 31, 1991.

20       (g) For the period beginning January 1, 1992, and ending June 30, 1992,  
21 1.5 times its monthly amount. The county shall make the payment on or before  
22 June 30, 1992.

23       (3) Upon request, counties shall provide the department of administration  
24 with information necessary to implement this section.

25       ••87b3674/1••SECTION 476mac. 979.04 (1) of the statutes is amended to  
26 read:

27       979.04 INQUESTS: WHEN CALLED. (1) If the district attorney has notice  
28 of the death of any person and there is reason to believe from the circum-



stances surrounding the death that ~~murder, manslaughter, homicide resulting from negligent control of a vicious animal, homicide by reckless conduct~~ felony murder, first-degree or 2nd-degree intentional homicide, first-degree or 2nd-degree reckless homicide, homicide by negligent use of a handling of dangerous weapon, explosives or fire, homicide by negligent operation of vehicle or firearm, homicide resulting from negligent control of a vicious animal or homicide by intoxicated user of a vehicle or firearm may have been committed, or that death may have been due to suicide or unexplained or suspicious circumstances, the district attorney may order that an inquest be conducted for the purpose of inquiring how the person died. The district attorney shall appear in any such inquest representing the state in presenting all evidence which may be relevant or material to the inquiry of the inquest. The inquest may be held in any county in this state in which venue would lie for the trial of any offense charged as the result of or involving the death. An inquest may only be ordered by the district attorney under this subsection or by the circuit judge under sub. (2).

••87b3401/1••SECTION 476mag. 990.01 (7g) of the statutes is created to read:

990.01 (7g) "Fire chief" or "chief of a fire department" includes the chief of a department under s. 61.66.

••87b3401/1••SECTION 476mb. 990.01 (7m) of the statutes is created to read:

990.01 (7m) "Fire department" includes a department under s. 61.66.

••87b3401/1••SECTION 476mc. 990.01 (7r) of the statutes is created to read:

990.01 (7r) "Firefighter" includes a person serving under s. 61.66.

••87b3401/1••SECTION 476mf. 990.01 (28g) of the statutes is created to read:

1       990.01 (28g) "Police chief" or "chief of a fire department" includes the  
2 chief of a department under s. 61.66.

3       ••87b3401/1••SECTION 476mh. 990.01 (28m) of the statutes is created to  
4 read:

5       990.01 (28m) "Police department" includes a department under s. 61.66.

6       ••87b3401/1••SECTION 476mj. 990.01 (28r) of the statutes is created to  
7 read:

8       990.01 (28r) "Police officer" includes a person serving under s. 61.66.

9       ••87b2794/1••SECTION 481c. 1985 Wisconsin Act 289, section 1 is repealed.

10       ••87b2994/1••SECTION 481m. 1987 Wisconsin Act 4, sections 20 and 20m are  
11 repealed.

12       ••87b2994/1••SECTION 482m. 1987 Wisconsin Act 4, section 24 (2) is  
13 amended to read:

14       (1987 Wisconsin Act 4) Section 24 (2) The treatment of sections 13.02  
15 (3m) (by SECTION 1m), 13.09 (4) (by SECTION 2m), 13.093 (2) (b) (by SECTION  
16 3m), 13.101 (3) (b) (by SECTION 4m), 13.101 (4) (by SECTION 5m), 16.40 (1) (by  
17 SECTION 6m), 16.42 (1) (intro.) (by SECTION 7m), 16.45 (by SECTION 8m), 16.47  
18 (1m) (by SECTION 9m), 16.47 (2) (by SECTION 10m), 16.476 (by SECTION 11m),  
19 16.50 (3) (by SECTION 12m), 16.50 (5) (by SECTION 13m), 16.50 (7) (a) (by  
20 SECTION 14m), 16.50 (8) (by SECTION 15m), 16.517 (by SECTION 16m), 16.54 (8)  
21 (by SECTION 17m), 20.001 (3) (b) (by SECTION 18m), 20.001 (5) (by SECTION  
22 19m), ~~20.002 (1) (by SECTION 20m)~~, 20.928 (3) (by SECTION 21m), 36.09 (1) (j)  
23 (by SECTION 22m) and 73.03 (32) (by SECTION 23m) of the statutes takes effect  
24 July 1, 1989.

25       ••87b2487/2••SECTION 485ja. 1987 Wisconsin Act 27, sections 132g and  
26 132gb are repealed.

27       ••87b2487/2••SECTION 485jb. 1987 Wisconsin Act 27, sections 133b and  
28 133ga are repealed.

1       ••87b2487/2••SECTION 485jc. 1987 Wisconsin Act 27, sections 133gb and  
2 133gm are repealed.

3       ••87b2487/2••SECTION 485jd. 1987 Wisconsin Act 27, sections 133gp and  
4 133gr are repealed.

5       ••87b2487/2••SECTION 485je. 1987 Wisconsin Act 27, sections 134bc and  
6 134bf are repealed.

7       ••87b2487/2••SECTION 485jf. 1987 Wisconsin Act 27, sections 134bg and  
8 134bj are repealed.

9       ••87b2487/2••SECTION 485jg. 1987 Wisconsin Act 27, section 134bn is  
10 repealed.

11       ••87b2487/2••SECTION 485jh. 1987 Wisconsin Act 27, sections 134cb and  
12 134cf are repealed.

13       ••87b2487/2••SECTION 485ji. 1987 Wisconsin Act 27, sections 134cg and  
14 134cj are repealed.

15       ••87b2487/2••SECTION 485jj. 1987 Wisconsin Act 27, section 134cm is  
16 repealed.

17       ••87b2487/2••SECTION 485jk. 1987 Wisconsin Act 27, sections 135gt and  
18 136m are repealed.

19       ••87-5179/3••SECTION 486. 1987 Wisconsin Act 27, section 3024 (4) (a) is  
20 amended to read:

21       (1987 Wisconsin Act 27) Section 3024 (4) (a) For community youth and  
22 family aids under section 46.26 of the statutes, as affected by this act,  
23 amounts not to exceed \$17,745,900 for the last 6 months of 1987, \$35,491,800  
24 for 1988 and \$17,745,900 for the first 6 months of 1989.

25       ••87-5179/3••SECTION 487. 1987 Wisconsin Act 27, section 3024 (4) (bn) is  
26 amended to read:

1 (1987 Wisconsin Act 27) Section 3024 (4) (bn) For counties not eligible  
2 for payments under paragraph (b), amounts not to exceed \$200,000 for 1988 and  
3 \$100,000 for the first 6 months of 1989.

4 ••87-5179/3••SECTION 488. 1987 Wisconsin Act 27, section 3024 (4) (e) is  
5 amended to read:

6 (1987 Wisconsin Act 27) Section 3024 (4) (e) For emergencies related to  
7 community youth and family aids under section 46.26 of the statutes, as  
8 affected by this act, amounts not to exceed \$125,000 for the last 6 months of  
9 1987, \$250,000 for 1988 and \$125,000 for the first 6 months of 1989. A county  
10 is eligible for payments under this paragraph only if it has a population of  
11 not more than 45,000 and it is not eligible for payments under paragraph (b).

12 ••87-5179/3••SECTION 489. 1987 Wisconsin Act 27, section 3024 (4) (f) is  
13 amended to read:

14 (1987 Wisconsin Act 27) Section 3024 (4) (f) For adjustments to have  
15 allocations to compensate for increases in per person daily cost assessments,  
16 amounts not to exceed \$114,600 for the last 6 months of 1987, \$368,200 for  
17 1988 and \$171,500 for the first 6 months of 1989. The department of health  
18 and social services shall allocate funds under this paragraph in accordance  
19 with the requirements of section 46.26 (3) (d) of the statutes.

20 ••87-5300/1••SECTION 490. 1987 Wisconsin Act 27, section 3024 (8) is  
21 amended to read:

22 (1987 Wisconsin Act 27) Section 3024 (8) COMMUNITY OPTIONS PROGRAM;  
23 ALZHEIMER'S DISEASE. For services to persons with Alzheimer's disease who are  
24 eligible under section 46.27 (6r) (a) or (d) of the statutes or section 46.27  
25 (6r) (c) of the statutes, as affected by this act, for services, the depart-  
26 ment of health and social services shall allocate from the appropriation under  
27 section 20.435 (4) (bd) of the statutes, as affected by this act, \$513,700 for

1 the last 6 months of 1987, ~~\$1,027,300~~ \$1,006,600 for 1988 and \$500,100 for the  
2 first 6 months of 1989.

3 ••87b2669/2••SECTION 490m. 1987 Wisconsin Act 27, section 3024 (10) (a)  
4 is amended to read:

5 (1987 Wisconsin Act 27) Section 3024 (10) (a) Total reimbursement to all  
6 centers, excluding amounts available for resident activity therapy and amounts  
7 collected from other state facilities under shared services agreements, may  
8 not exceed \$88,001,900 in fiscal year 1987-88 and ~~\$89,586,700~~ \$92,028,400 in  
9 fiscal year 1988-89, unless a supplement to section 20.435 (2) (gk) of the  
10 statutes, as affected by this act, is received under section 16.515 of the  
11 statutes.

12 ••87b3030/1••SECTION 490p. 1987 Wisconsin Act 27, section 3030 (4g) is  
13 repealed.

14 ••87b3030/1••SECTION 490r. 1987 Wisconsin Act 27, section 3130 (1g) is  
15 repealed.

16 ••87-5372/2••SECTION 491. 1987 Wisconsin Act 27, section 3203 (47) (y) is  
17 amended to read:

18 (1987 Wisconsin Act 27) Section 3203 (47) (y) Federalizing the corporate  
19 tax; general issues. The treatment of sections 70.375 (4) (e) and (k)  
20 (intro.), 70.40 (3) (in respect to the cross-reference change), 70.41 (3),  
21 70.415 (3), 70.42 (3), 70.421 (3), 71.01 (1), (2) and (4) (a) (intro.), 2, 6g,  
22 7 and 9 and (g) 7 to 10, 71.02 (1) (intro.), (b), (bc), ~~(bg)~~, (bi), (c)  
23 (intro.) and 8 to 12, (d), (dm), (fm) and (m) and (2) (intro.), 71.03 (title),  
24 (1), (2) (a), (b) and (f), (5) and (6), 71.035, 71.041, 71.043 (1) and (2),  
25 71.045, 71.046, 71.047, 71.05 (2r), (2t) and (2u), 71.06 (1), 71.07 (2)  
26 (intro.) and (cr) 8, 71.09 (2h), (2n) and (11) (a) 6. b (by SECTION 1407am)  
27 and (13) (cm), 71.10 (1) (am), (3m) (a), (5) (a) and (10) (a) and (bn), 71.11  
28 (8) (a) and (b), (8m), (9) and (21) (g) 2, 71.135 (1m) and (3), 71.301 to

1 71.372, 77.51 (14g) (g), 97.28 (2m) (e) and 895.51 (1) (b) of the statutes and  
2 the repeal of section 71.04 of the statutes first apply to taxable year 1987.

3 ••87b2487/2••SECTION 491m. 1987 Wisconsin Act 27, section 3204 (4) (bj)  
4 is repealed.

5 ••87b3024/1••SECTION 491r. 1987 Wisconsin Act 70, section 37 (1) is  
6 amended to read:

7 (1987 Wisconsin Act 70) Section 37 (1) The treatment of sections 118.125  
8 (1) (a) and (d), (2m) (a) and (3) and 146.81 (4) of the statutes takes effect  
9 on September 1, ~~1989~~ 1990.

10 ••87-5367/1••SECTION 493. 1987 Wisconsin Act 96, section 2 (1) is amended  
11 to read:

12 (1987 Wisconsin Act 96) Section 2 (1) The dollar amounts in the schedule  
13 under section 20.005 (3) of the statutes for the appropriation to the depart-  
14 ment of health and social services under section 20.435 (2) (gk) of the  
15 statutes, as affected by the acts of 1987, are increased by \$48,500 for fiscal  
16 year 1987-88 and by \$72,700 for fiscal year 1988-89 to provide an increase of  
17 4.5 FTE PRO positions for the provision of assessment and treatment under the  
18 Anchorage program at Winnebago mental health institute, as created by this  
19 act. In addition, the funding of the ROAD (Reflections of a Dream) program  
20 under section ~~20.432~~ 20.435 (2) (gk) of the statutes is terminated, and  
21 \$113,400 for fiscal year 1987-88 and \$170,100 for fiscal year 1988-89 and 5.5  
22 FTE PRO positions are transferred from the ROAD program to the Anchorage pro-  
23 gram for the provision of assessment and treatment under the Anchorage program  
24 at Winnebago mental health institute, as created by this act.

25 ••87-5297/1••SECTION 494. 1987 Wisconsin Act 107, section 8 is amended to  
26 read:

27 (1987 Wisconsin Act 107) Section 8. NONSTATUTORY PROVISIONS; EMPLOYE  
28 TRUST FUNDS. (1) POSITION AUTHORIZATIONS. The authorized FTE positions for

1 the department of employe trust funds are increased by 1.5 FTE SEG positions  
2 beginning on the first day of the 2nd month after the effective date of this  
3 subsection, to be funded from the appropriation under section 20.515 (1) ~~(s)~~  
4 (w) of the statutes, for the purposes of making informational mailings to all  
5 current annuitants and of performing administrative responsibilities.

6 ••87b3739/2••SECTION 494gm. 1987 Wisconsin Act 132, section 10m is  
7 amended to read:

8 (1987 Wisconsin Act 132) Section 10m. NONSTATUTORY PROVISIONS;  
9 TRANSPORTATION. The secretary of transportation shall, until ~~April 2~~ February  
10 1, 1989, monitor the enactment of safety belt usage laws meeting the criteria  
11 under 49 CFR 571.208 S4.1.5. Immediately upon determining that such laws  
12 would, with the inclusion of this act, be applicable to not less than two-  
13 thirds of the population of the United States, based on the 1980 federal  
14 census of population, the secretary shall so certify to the governor and the  
15 revisor of statutes.

16 ••87b3636/1••SECTION 494t. 1987 Wisconsin Act .... (Senate Bill 335),  
17 section 2 is repealed and recreated to read:

18 (1987 Wisconsin Act .... (Senate Bill 335)) Section 2. EFFECTIVE DATE.  
19 This act takes effect on January 1, 1988.

20 ••87b3465/1••SECTION 494u. 1987 Wisconsin Act .... (Senate Bill 379),  
21 section 33 is repealed and recreated to read:

22 (1987 Wisconsin Act .... (Senate Bill 379)) Section 33. EFFECTIVE DATES.  
23 (1) Except as provided in subsection (2), this act takes effect on the first  
24 day of the 6th month commencing after publication.

25 (2) The creation of sections 800.09 (1) (c) and 800.095 (4) (b) 4 of the  
26 statutes takes effect on the first day of the 12th month commencing after  
27 publication.

1       \*\*87-5376/3    \*\*   87b2905/1\*\*SECTION 3001.    NONSTATUTORY PROVISIONS;  
2   ADMINISTRATION.

3       (1) DESEGREGATION LAWSUIT REIMBURSEMENT.

4       \*\*87b3655/3\*\* (a)   The department of administration shall audit the expert  
5   witness fees and the actual and necessary expenses of the expert witnesses  
6   paid by the school districts listed under paragraph (b) resulting from the  
7   recently settled desegregation lawsuit, Civil Action No. 84-C-877, U.S. Dis-  
8   trict Court for the Eastern District of Wisconsin. The department of admin-  
9   istration shall determine the amount of the expert witness fees and the actual  
10   and necessary expenses of the expert witnesses that were related to the  
11   state's defense of the lawsuit and were paid by the school districts listed  
12   under paragraph (b) and shall submit a plan for the reimbursement of such fees  
13   and expenses to the joint committee on finance for its approval. Notwith-  
14   standing section 20.865 (4) (a) of the statutes, upon the approval of the  
15   joint committee on finance, the department of administration shall certify  
16   payment of the approved fees and expenses from the appropriation under section  
17   20.865 (4) (a) of the statutes to the school board of each school district  
18   entitled to such reimbursement. The department of administration shall ensure  
19   that fees and expenses previously reimbursed through state aids under sections  
20   121.08 and 121.085 of the statutes are not reimbursed under this paragraph.  
21   The sum of all payments made under this paragraph shall not exceed \$250,000.

22       (b)   Brown Deer school district, Cudahy school district, Elmbrook school  
23   district, Fox Point joint no. 2 school district, Fox Point joint no. 8 school  
24   district, Franklin school district, Germantown school district, Glendale joint  
25   no. 1 school district, Greendale school district, Greenfield school district,  
26   Hamilton school district, Menomonee Falls school district, Mequon-Thiensville  
27   school district, Muskego-Norway school district, New Berlin school district,  
28   Nicolet union high school district, Oak Creek-Franklin school district, St.



1 Francis school district, Shorewood school district, South Milwaukee school  
2 district, Wauwatosa school district, West Allis school district, Whitefish Bay  
3 school district and Whitnall school district.

4       ••87-4950/2••SECTION 3004.     NONSTATUTORY PROVISIONS; AGRICULTURE, TRADE  
5     AND CONSUMER PROTECTION.

6       (1) RECEIPT OF FEES; ISSUANCE OF LICENSE OR PERMIT. The department of  
7 agriculture, trade and consumer protection, or an agent city or county autho-  
8 rized by the department under section 97.41 of the statutes, as affected by  
9 this act, may accept an application and issue a license or permit under  
10 chapter 97 of the statutes, as affected by this act, prior to the first day on  
11 which the license or permit is required under chapter 97 of the statutes, as  
12 affected by this act.

13       (2) RETAIL FOOD ESTABLISHMENTS; RULES. The department of health and  
14 social services and the department of agriculture, trade and consumer pro-  
15 tection shall propose rules under sections 50.51 (1) (d) and 97.30 (2) (b) 1.  
16 c of the statutes, as created by this act, and shall submit those proposed  
17 rules to the legislative council under section 227.15 (1) of the statutes no  
18 later than April 1, 1989.

19       ••87b3724/2••(5m) TOBACCO INDUSTRY DIVERSIFICATION. Notwithstanding  
20 section 20.115 (7) (c) of the statutes, as affected by the acts of 1987, no  
21 later than June 30, 1989, the department of agriculture, trade and consumer  
22 protection shall award a grant of \$50,000 from the appropriation under section  
23 20.115 (7) (c) of the statutes, as affected by the acts of 1987, to a  
24 cooperative which is organized under chapter 185 of the statutes, which is  
25 engaged in marketing tobacco products on the effective date of this subsection  
26 and which is located in a county with a population density of less than 100  
27 persons per square mile, for the purpose of diversifying the products which  
28 that cooperative markets.

1       ••87b3378/1••SECTION 3005. NONSTATUTORY PROVISIONS; ARTS BOARD.

2       ••87b3720/1••(1g) POSITION FUNDING. Of the total authorized FTE posi-  
3 tions for the arts board, 0.5 FTE GPR position is effective on July 1, 1988,  
4 to be funded from the appropriation under section 20.215 (1) (d) of the  
5 statutes.

6       ••87b3504/1••SECTION 3006. NONSTATUTORY PROVISIONS; BANKING.

7       (1g) LEGISLATIVE INTENT; CHARITABLE TRUSTS. It is the legislature's  
8 intent that the treatment of sections 220.02 (2) (e) and 221.56 (1) of the  
9 statutes and the creation of sections 701.107, 701.108 and 701.109 of the  
10 statutes, by this act, are enacted pursuant to 12 USC 1842 (d) solely to aid  
11 charitable trusts, as defined in section 701.107 (3) of the statutes, as  
12 created by this act, to dispose of certain assets to avoid liability for the  
13 tax imposed under section 4943 (a) and (b) of the internal revenue code of  
14 1954.

15       ••87-5211/3••SECTION 3008. NONSTATUTORY PROVISIONS; BUILDING COMMISSION.

16       (1) 1987-89 STATE BUILDING PROGRAM CHANGE. In 1987 Wisconsin Act 27,  
17 section 3008 (1) (h) 2m, under projects financed by building trust funds, the  
18 amount authorized for the parks maintenance program is decreased from \$500,000  
19 to \$250,000 and the appropriate totals are adjusted accordingly.

20       (1g) 1987-89 STATE BUILDING PROGRAM CHANGE. In 1987 Wisconsin Act 27,  
21 section 3008 (1), the following project is added to the 1987-89 state building  
22 program and the appropriate totals are adjusted accordingly:

23       1. In paragraph (m) 2, under projects financed by  
24 program revenue supported borrowing:

25               Madison - Synchrotron radiation center addition \$1,000,000

26       ••87b2800/1••(1r) 1987-89 STATE BUILDING PROGRAM CHANGES. In 1987  
27 Wisconsin Act 27, section 3008 (1), the following project is added to the